IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2005

CORAM:

THE HONOURABLE MR.JUSTICE P.D.DINAKARAN

W.P.No.28723 of 2004

Sivasamy Adilakshmi Educational
Trust, Rep. by its Trustee,
R.Sivasamy.; .. Petitioner

-vs-

1. Union of India,
   Union Territory of Pondicherry,
   Rep. by its Secretary,
   Labour Dept., Govt. of
   Pondicherry, Pondicherry.

2. The Deputy Director of Training,
   Directorate General of
   Employment & Training,
   Ministry of Labour, Govt. of
   India, New Delhi.

3. The Deputy Director of
   Employment & Training,
   Labour Dept., Govt. of
   Pondicherry, Pondicherry. .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus as stated below.

For Petitioner : Mr.G.Masilamani, S.C.
For M/s.Mani Sundargopal.
For Respondents : Mr.Vijay Anand, R1 and 3
Govt. Advocate, Pondicherry.
: Ms.T.Girija R-2
for Mr.S.Manikumar, SCGSC.

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O R D E R

The above writ petition is filed seeking a Writ of Certiorarified Mandamus to call for the records relating to order bearing No.DGET/6/32/1/2002 dt. 31.12.2002 culminating in the order bearing No.DGE&T.,6/32/1-2002-TC, Government of India, Ministry of Labour & Employment (DGE&T) dt. 15.03.2005, on the file of the second respondent and to quash the same and consequently, to direct the respondents to grant permanent affiliation to the petitioner's institute with effect from the academic year 2002-2003 onwards.

2. The petitioner-trust established an Industrial Training Centre under the name and style of Sri Vivekanandha Industrial Training Centre at Vinobha Street, Nellithope, Pondicherry for imparting vocational industrial training course to the students, who have completed X standard and applied for the permanent affiliation before the second respondent, Directorate General of Employment and Training, for the said course from the academic year 2002-2003. But, the second respondent refused to grant affiliation by proceedings dated 31.12.2002, which is being impugned in the above writ petition on the only ground that the power supply in the petitioner-institution was inadequate.

3. Mr.G.Masilamani, learned senior counsel appearing for the petitioner, invited my attention to the proceedings of the third respondent dated 1st July, 2002, which reads as follows:-

GOVERNMENT OF PONDICHERRY

LABOUR DEPARTMENT

110/Lab/E1/2001 Pondicherry
Dated: 1 Jul 2002

To
The Director General of
Employment and Training,
Government of India,
Ministry of Labour,
Shram Shakthi Bhavan,
Rafi Marg,
New Delhi - 110 001.

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Sir,

Sub: Labour – Inspection by the Standing Committee – Regarding.

Ref: 1. This Dept's Order No.379/Lab/E1/2001 dated 16.01.2002.
2. This Dept's letter of even No. dt. 14.3.2002.

* * *

In pursuance to the letter cited under reference (2), I am to inform that Sri Vivekananda Industrial Training Centre, Nellithope, Pondicherry, has been granted Provisional Permission vide this Department's Order first cited and the Standing Committee which inspected the I.T.C. On 21.2.2002 for affiliation purpose recommended the introduction of Electricial Trade (1+1 unit) with effect from August, 2002, subject to the condition that within a month the power supply of 3 phase has to be connected.

Now the Trustee, Sivasamy Adilatchoumy Educational Trust has furnished the copy of the letter issued by the Assistant Engineer, Electricity Department, Pondicherry indicating that the 3 phase power supply has been effected with effect from 24.5.2002 vide Policy No.0843-02-0210 BC. The availability of 3 phase power supply has been got verified and confirmed.

Hence, I am to request that necessary affiliation orders in this regard may be arranged to be issued.

Yours faithfully,

sd/-
(RATTAN SINGH)
O/c Director of Employment & Training.

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Pursuant to the above letter, the third respondent in the letter dated 4th July, 2002, have informed the petitioner-institution that they have already communicated to the first respondent their recommendation that the petitioner institution possess adequate power supply, for their appropriate decision in the matter. In spite of that, learned senior counsel submits that the second

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respondent by the impugned proceedings dated 31.12.2002, rejected the affiliation to the petitioner-institution for imparting the impugned vocational industrial training course.

4. Mr.Vijay Anand, learned Government Advocate, appearing for the third respondent submits that the third respondent have duly communicated their proceedings dated 1st July, 2002 to the second respondent as referred to above.

5. On the other hand, Ms.T.Girija, representing the Senior Central Government Standing Counsel appearing for the second respondent, submits that the second respondent have not received the proceedings of the third respondent dated 1st July, 2002. However, the learned counsel representing the second respondent is not in a position to dispute the fact that the petitioner-institution had adequate power supply as per the proceedings of the third respondent dated 1st July, 2002.

6. Therefore, the refusal to grant affiliation for the impugned vocational industrial training course to the petitioner-institution from the academic year 2002-2003 by the impugned proceedings dated 31.12.2002, in my considered opinion, is arbitrary and unreasonable. Hence, the impugned order is quashed and the writ petition is allowed as prayed for. The respondents are directed to pass appropriate orders granting affiliation to the petitioner-institution within 30 days from the date of receipt of a copy of this order. No costs. The respondents are directed to publish the results of the students, who have been permitted to write examinations by an order of this Court dated 20.7.2005 made in W.P.M.P.No.22818 of 2005 and W.P.M.P.No.7691 of 2005. Consequently, W.P.M.P.No.7692 of 2005 is closed.

sra

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Secretary,
   Union Territory of Pondicherry,
   Labour Dept., Govt. of
   Pondicherry, Pondicherry.

2. The Deputy Director of Training,
   Directorate General of
   Employment & Training,
   Ministry of Labour, Govt. of
   India, New Delhi.

3. The Deputy Director of
   Employment & Training,
   Labour Dept., Govt. of
   Pondicherry, Pondicherry.

+ 1 cc to Mr.S. Manikumar, SCGSC SR No.48468

+ 1 cc to Mr.Mani Sundar Gopal, Advocate SR No.48360

JE(CO)
SR/15.12.2005

W.P.No.28723 of 2004

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